IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11776 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARIKRISHNA BHAGWANDAS

Versus

STATE OF GUJARAT

Appearance:

MR MANISH R BHATT for Petitioners

MR ND GOHIL, AGP, for Respondent No. 1, 2

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 10/08/2000

ORAL JUDGEMENT

1. The petitioners herein challenge the action of Competent Authority under the Urban Land (Ceiling and Regulation) Act, 1976, in respect of property bearing No.4/2366/1/B/1/2 admeasuring 871.61.90 sq. metres in the city of Surat and property bearing No.D/1/16

admeasuring 196.41.00 sq. metres at Model Town in Delhi declared as surplus under the provisions of the said Act.

2. Mr. Gohil, learned Assistant Government Pleader, appearing for the respondents states on instructions that the proceedings under Sections 10(1), 10(3) or 10(5) of the ULC Act have not take place and the possession of the land is not taken and, therefore, appropriate orders may be passed in light of the Urban Land (Ceiling and Regulation) Repeal Act, 1999.

3. There is a consensus on the fact that the possession of the land in question has not been taken by the respondent authorities. Mr. Gohil has produced on record a copy of the written communication received from competent authority to support this position. It is taken on record.

4. By virtue of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, the Urban Land (Ceiling and Regulation) Act, 1976, now, stands repealed, as adopted by the State of Gujarat as per resolution dated March 30, 1999. In light of the provisions of the said Repeal Act, the present petition shall stand abated, as the possession is not taken by the authorities concerned. The petition, therefore, would stand disposed of as having abated. Rule is discharged. No costs.

[A.L. DAVE, J.]

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